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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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16

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 3/26/01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☐ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☒ 3. The amendment does not include a clean version of the amended claim(s) 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s) 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other _____

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

William H. Moore
Legal Instruments Examiner

Changes to the Patent Rules

October 24, 2000

Volume 1, Issue 3

This is the official index of Patent Rules and Regulations published in the Federal Register.

Patent Rules and Regulations published in the Federal Register are available in electronic form on the USPTO website at <http://www.uspto.gov/web/offices/olli/pbg/index.html>.

Simplified Amendment Practice.

Replacement paragraph(s)/section(s)/claim(s) to be used. 37 CFR 1.121



The rule package "Changes to the Patent Business Goals - Final Rule," published in the Federal Register on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the Official Gazette on September 19, 2000, 1238 Off. Gaz. Pat. Off. 77 (September 19, 2000). The PBG rule package makes a number of revisions to Title 37.

The entire rule package may be found at the USPTO Website at <http://www.uspto.gov/web/offices/olli/pbg/index.html>.

Areas and individuals primarily affected by this rule change include: (1) Patent Examiners and (2) Patent Support Staff in the Technology Centers (2) Office of Patent Publication.

Any questions related to this change in practice should be directed to Joe Narcavage, Special Projects Exr., (703-305-1795) or OPLA.



Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedure on or after November 7, 2000, in order to adjust to the changes in amendment practice.

Under the new amendment practice, amendments to the specification must be made by the submission of a clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification (including claims) in clean, or substantially clean, form that can be effectively scanned and converted to digital character information (OCR) without error during the patent prosecution process.

The new rule requires applicants to submit, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's own or conventional markings to indicate the changes. The marked-up version will allow the examiner to identify the changes made to the previous version. The marked-up version must indicate how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of the amendment in the application as originally filed or the previous submitted amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks or comments (37 CFR 1.111-1).

Applicants may submit a separate marked-up version of the amendment titled "Version with markings to show changes made."

Applicants will also be required to submit a clean version of all pending claims, including all previous versions of pending claims from a number of separate amendments into a single clean version in a single amendment paper. The submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of the pending claims. No marked-up version will be required to accompany the clean version if there are no changes to the clean version being made.

**Amendment by
paragraph/claim
replacement in clean form.**

The marked-up versions of amendments with an examiner's objection without practitioner comments having to file a formal amendment. Additions or deletions of subject matter in the specification, including amendments continuing from an examination amendment, will advance the prosecution to make a clean version of the claims. The examiner's amendment will incorporate a portion of a tax or other amendment submitted by applicant. One part of the amendment tax directed to a portion, or a portion of a paragraph claim, to be added and the printed and attached to the examiner's amendment, with a portion copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) becomes part of the application file record.

MPEP 714 & 1302.04

MPEP BOOK MARK